

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SHIRLEY COLEMAN

PLAINTIFF

v.

CIVIL ACTION NO. 4:18-cv-162-RP

**NANCY BERRYHILL,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

FINAL JUDGMENT

Plaintiff Shirley Coleman filed suit under 42 U.S.C. § 1383(c) for judicial review of the unfavorable decision of the Commissioner of Social Security regarding an application for a period of disability, supplemental security income, and disability insurance benefits. Docket 1. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provision of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. Docket 15. Having considered the record, the administrative transcript, the briefs of the parties, the oral arguments of counsel, and the applicable law, and for the additional reasons stated on the record at the conclusion of the hearing in this matter, the Court finds the Commissioner's decision is not supported by substantial evidence and should be remanded.

The plaintiff's treating nurse practitioner Yvonne Tanner gave an opinion of the plaintiff's functional limitations that, if accepted, would have affected the outcome of the case. Pursuant to 20 C.F.R. § 416.927(f) the ALJ was required both to consider this opinion using the applicable factors for considering medical opinions and to explain the weight given to the opinion. *See also* SSR 06-03P (S.S.A.), 2006 WL 2329939 (2006) (discussing proper consideration of opinions from medical sources who are not acceptable medical sources). In discounting Ms. Tanner's opinion, the ALJ gave reasons that were inapplicable and/or incorrect,

and the ALJ offered no discussion of applicable factors such as Ms. Tanner's treatment relationship with the plaintiff, the support for her opinion in her treatment records, and the consistency of her opinion with the record as a whole. The court is unable to follow the ALJ's reasoning for rejecting this opinion, and therefore remand is appropriate.

The Commissioner's decision is reversed and remanded for further consideration of Yvonne Tanner's opinion and, if the decision is to deny benefits, for proper explanation of the weight given to Ms. Tanner's opinion.

SO ORDERED, this the 23rd day of May, 2019.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE